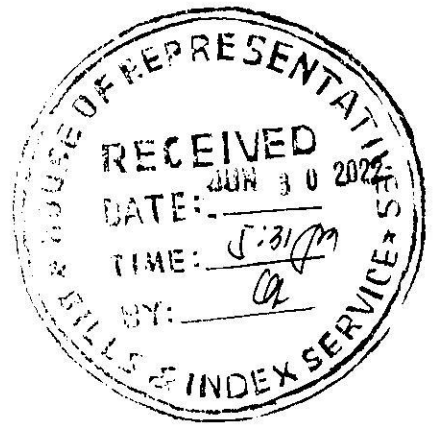


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
1st Regular Session

HOUSE BILL NO. 437



Introduced by Rep. JOHNNY PIMENTEL

EXPLANATORY NOTE

The Constitution provides that the Philippines is a democratic and a republican State. Sovereignty resides in the people and all government authority emanates from them. Under this Constitutional fiat, we operationalized it with the holding of popular and competitive elections.

With the aim to establish a systematic rule to govern elections, Batasan Pambansa Blg. 881 was enacted. Section 77 of the BP Blg. 881 allows substitution for persons who file their certificate of candidacy in the event of the persons' death, disqualification or withdrawal. It should be noted that both grounds of death and disqualification are involuntary while withdrawal is susceptible to one's own volition.

In the past few elections, Section 77 provision allowing for one's withdrawal has become susceptible to abuse and has been used by persons who file their certificate of candidacy serving merely as place holders. This has allowed political parties, both national and local, to field non-*bona fide* candidates merely to comply with the electoral deadline of filing for candidacy in mockery of our electoral system.

This measure seeks to rectify this mechanism and abolish withdrawal as a ground for substitution. It also includes candidate place holders as nuisance candidates. Furthermore, this bill penalizes the act of being a nuisance candidate as an election offense to preserve the sanctity of the Philippine elections.

The passage of this measure is earnestly sought.


HON. JOHNNY PIMENTEL

1 candidate of a registered or accredited political party dies,
2 **BECOMES PERMANENTLY INCAPACITATED** [withdraws] or is
3 disqualified for any cause, only a person belonging to, and
4 certified by, the same political party may file a certificate of
5 candidacy to replace the candidate who died, **BECAME**
6 **PERMANENTLY INCAPACITATED** [withdrew] or was
7 disqualified. The substitute candidate nominated by the political
8 party concerned may file his certificate of candidacy for the office
9 affected in accordance with the preceding sections not later than
10 mid-day of the day of the election. If the death, **BECOMES**
11 **PERMANENTLY INCAPACITATED** [withdrawal] or
12 disqualification should occur between the day before the election
13 and mid-day of election day, said certificate may be filed with any
14 board of election inspectors in the political subdivision where he
15 is a candidate, or, in the case of candidates to be voted for by the
16 entire electorate of the country, with the Commission.”
17

18 SEC. 3. Section 77 of BP Blg. 881 is hereby amended to read as follows:
19

20 “**Section 262. Other election offenses.** - Violation of the
21 provisions, or pertinent portions, of the following sections of this
22 Code shall constitute election offenses: Sections 9, 18, **69**, 74, 75,
23 76, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 95, 96, 97, 98, 99, 100,
24 101, 102, 103, 104, 105, 106 107, 108, 109, 110, 111, 112, 122,
25 123, 127, 128, 129, 132, 134, 135, 145, 148, 150, 152, 172, 173,
26 174, 178, 180, 182, 184, 185, 186, 189, 190, 191, 192, 194, 195,
27 196, 197, 198, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211,
28 212, 213, 214, 215, 216, 217, 218, 219, 220, 223, 229, 230, 231,
29 233, 234, 235, 236, 239 and 240.”
30

31 SEC. 4. *Implementing Rules and Regulation.* – The Commission on Elections
32 shall promulgate and issue the rules and regulations necessary to implement the
33 provisions of this Act.
34

35 SEC. 5. *Separability Clause.* – If any portion or provision of this Act is declared
36 unconstitutional, the same shall not affect the validity and effectivity of the other
37 provisions not affected thereby.
38

1 SEC. 6. *Repealing Clause.* - All laws, presidential decrees, letters of
2 instructions, executive orders, rules, regulations, and other issuances or parts thereof
3 which are contrary to or inconsistent with the provisions of this Act are hereby revoked,
4 repealed, amended or modified accordingly.

5
6 SEC. 7. *Effectivity Clause.* - This act shall take effect fifteen (15) days following
7 the completion of its publication in the Official Gazette or in at least one (1) newspaper
8 of general circulation.

Approved,

